FOR DISCUSSION PURPOSES ONLYPRELIMINARY DRAFT

Framework Options for Addressing Cumulative Impacts

This information was developed by AQMD staff as preliminary ideas intended to stimulate brainstorming by the Cumulative Impacts Working Group. AQMD staff has not developed any specific recommendations at this time and encourages all parties to provide input on these suggestions, and to develop other approaches for consideration.

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Framework Options for Addressing Cumulative Impacts

Option 1: New Site Notification for Sensitive Receptors

This option would involve a survey and notification by sensitive receptors or developer of housing units that plan to site within 1,000 feet of certain types of facilities that emit air toxics. This option would be implemented in two phases, as follows:

Phase I: schools (kindergarten – twelfth grade); and
Phase II: sensitive receptors (licensed day care facility, hospital, or convalescent home) and housing developments.

Under a state law, schools are required to contact AQMD and obtain information on sources of toxic emissions near their potential sites. This option would entail amending state law to require a survey of all such facilities within 1,000 feet of the potential school site. If the school decides to locate in an area identified with one or more high risk neighbors, the school would be required to notify parents annually. Notification could be done through letters to each family and/or appropriate signage prominently displayed at the school.

This approach could be expanded to other sensitive receptors and/or residences after experience is gained with Phase I implementation by requiring notification to those using the facilities.

PROs	CONs
• Better informed land use decisions. • Better informed parents and community members. • Protective of student health.	• Requires change in state law. • May be perceived as adding difficulty for school siting. • May have an unintended effect of restricting growth due to notification requirements or otherwise reducing access to needed services as a result of potential cumulative impact risks. • Notification may dissuade potential users of the sensitive receptor's services.

Option 2: Expanded Analysis and Mitigation in EJ Impacted Areas

2A – Mobile Sources

AQMD has an EJ Enhancement (III-1) regarding developing a rule to require emission reductions from off-road intermodal fleets, such as those operating at ports, rail yards, or large distribution centers, through use of low emission and clean equipment technologies. To address cumulative impacts. Such mobile sources in EJ Impacted areas, AQMD could prioritize its rulemaking calendar to develop regulations within its legal authority to reduce the cumulative impacts and such rules could also include more stringent requirements for areas with greater than (??) in a million risk from mobile

sources. Additional rules could be considered for other sources in EJ Impacted Areas. This option could also consider use of the Air Toxics Trust Fund (Option 4) where it was not technologically or economically feasible to make the more stringent reduction. The funds collected will be used in the community for air quality or health related projects.

PROs	CONs
• Addresses mobile source emissions in EJ Impacted Areas. • Allows an option for the Air Toxics Trust Fund.	• Need to consider what is technically and economically feasible. • Possible equity issues.

2B – Stationary Sources

This option addresses cumulative impacts through a process to identify least impacting alternatives in areas of concern. Such an effort would provide guidance for local governments and planners to minimize existing, and limit future, cumulative exposures to air toxics. To aide in determining if mitigation actions are needed, planners, local land-use officials, and facilities would utilize a Check List (*to be developed*) to identify if there is a potential cumulative health risk associated with a project. Any project that requires an AQMD permit with increased PM10 or air toxic emissions and is to be located in an area experiencing a cumulative cancer risk from permitted stationary sources sources greater than (??) in 1 million or greater than (??) percentile of risk levels in the Basin, and is an area of greater than 10% poverty (EJ Impacted Area) would be required to complete the check list. Any project with more than (??) items marked on the check list or located within ¼ mile of a sensitive receptor would go to the next level of analysis. Such an analysis could include permitted stationary sources within a ¼ mile radius of the proposed project. One variable that may impact the radius, or area, of analysis would be if the facility had stacks venting emissions, thereby affecting the zone of impact.

The results from the analysis may trigger further air quality analysis of potential cumulative impacts, public process (i.e., notifications to the surrounding community), and/or consideration of mitigation measures (i.e., pollution prevention or additional mitigation). In addition, mitigation could be made via payment into an Air Toxics Trust Fund (Option 4, below) intended for investment in clean technologies that will directly benefit the local community.

PROs	CONs
• Reduces risk at local level. • Can address mobile sources as well as stationary sources. • Potentially increased coordination and cooperation with local governments. • Provides for informed decision making. • Avoids legal debate on mandatory	• May have resource implications. • May need investigation into practical technical tools. • Equity among sources located within and outside of EJ Impacted Areas. • Potential increased requirements for local governments on land-use decisions.

requirements under CEQA.	

Option 3: Neighborhood CEQA Scoping Sessions

To improve community input into the CEQA process, neighborhood scoping sessions could be held in the EJ impacted communities where high risk (or cumulative risk contributing) projects occur. Projects in EJ Impacted Areas that require CEQA analysis due to potentially significant impacts and that have health risk assessments being prepared under AB 2588 would be discussed by community members. This would allow input prior to technical analysis, which would facilitate community input, leading to improved analyses.

PROs	CONs
• Improved community involvement in significant projects in the neighborhood. • Early input can improve technical analysis and potentially save resources from re-doing analysis or recirculating a CEQA document.	• Some resources needed for meetings.

Option 4: Air Toxics Trust Fund

This option is to establish a fund to invest in clean technologies in EJ Impacted Areas that will directly benefit the local community and reduce cumulative risk. Funding could come from a number of sources, such as payment in lieu of further risk reductions for sources in EJ Impacted Areas that would be subject to Option 2, for facilities subject to more stringent action risk levels of Options 5 or 6, or work in conjunction with Enhanced EJ Initiative I-4 (localized significant thresholds). Trust fund monies would be used only in the EJ Impacted Areas to fund localized risk reduction projects by investing in clean technologies, such as non-diesel local commuter systems.

PROs	CONs
• Funds air toxics clean-ups at the local level. • May make Options 2, 5 and 6 more feasible. • Introduction of clean technologies.	• Equity among communities benefiting from the use of funds. • Increased cost to facilities.

Option 5: More Stringent Requirements for New Sources - Equipment-Based, R-1401

To prevent risks from new equipment at a facility in an EJ Impacted Area ((??) in 1 million or greater than (??) percentile of Basin risk and greater than 10% poverty), equipment subject to Rule 1401 with risks greater than 1 in 1 million without controls would be subject to T-BACT and a cancer risk level of lower than 10 in 1 million (*TBD*).

In lieu of meeting the more stringent risk requirements where risk reductions may not be technically or economically feasible, payments may be made into the Air Toxics Trust Fund for investment within the local community.

PROs	CONs
• Increases risk reduction at the local level in EJ Impacted Areas. • Minimize increases in risk due to new or modified facilities in neighborhoods and communities at the local level. • Provides measure of regulatory certainty. • Provides option where risk reductions may not be technically or economically feasible.	• May hinder growth. • May have resource implications. • Equity among sources within the same industry subject to Rule 1401.

Option 6: More Stringent Requirements for Existing Sources - Facility-Based, R-1402

This option would add an enhancement to Rule 1402 – Control of Toxic Air Contaminant Emissions from Existing Sources by lowering the action risk levels for facilities located in EJ Impacted Areas. For facilities in EJ Impacted Areas, the action risk level would be less than 25 in 1 million cancer risk (*TBD*).

In lieu of meeting the more stringent risk requirements where risk reductions may not be technically or economically feasible, payments may be made into the Air Toxics Trust Fund for investment within the local community.

PROs	CONs
• Increases risk reduction at the local level in EJ Impacted Areas. • Increased public health protection at the local level within EJ Impacted Areas due to stationary sources. • Provides measure of regulatory certainty. • Provides option where risk reductions may not be technically or economically feasible.	• May hinder growth. • May have resource implications. • Equity among sources subject to Rule 1402.

Option 7: Diesel Back-Up Generator Rule

This option entails developing a rule for diesel back-up generators in EJ Impacted Areas. The rule could be more stringent than the proposed ATCM by requiring alternative-fueled engines including natural gas. Other options may include innovative or emerging technologies such as solar or fuel cell technologies for electricity generation. More detailed technical feasibility and affordability analysis are

needed. Certain sources, such as hospitals, could be considered for exemption due to the need for power sources in the event of an emergency that makes electricity and natural gas unavailable.

PROs	CONs
• Addresses a major source of toxic emissions. • Introduction of clean technologies.	• Possible cost concerns.

Option 8: Additional Funding for High Priority Mobile Source Reduction Projects

In this option, additional funding sources for high priority mobile source reduction projects would be sought. For example, cities could obtain matching funds from the Air Toxics Fund or MSRC funds by using their AB 2766 funds for specific projects identified as high priority by AQMD and MSRC for EJ Impacted Areas.

PROs	CONs
• Leveraging funds from AB 2766 and MSRC could help target use for high priority projects in EJ Impacted Areas. • Addresses major source of emissions affecting local communities.	• May encounter resistance from MSRC and cities using AB 2766 funds for other purposes.

Option 9: Others

Issues to be Defined

- EJ Impacted Area
  - MATES II data
  - Supplemental criteria
- Inclusion of source categories for cumulative analysis
- Radius or distance for conducting a cumulative analysis
- Lower action risk levels for Rule 1401 and Rule 1402 sources located in EJ Impacted Areas

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